

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

GERALD ICE,

Plaintiff

Case No. 2:24-cv-02219-GMN-BNW

ORDER

I. DISCUSSION

On November 27, 2024, Plaintiff, an inmate in the custody of the Nevada Department of Corrections (“NDOC”), submitted a motion for appointment of counsel. (ECF No. 1-1). Plaintiff did not file a complaint or an application to proceed *in forma pauperis* in this matter.

Under Federal Rule of Civil Procedure 3, “[a] civil action is commenced by filing a complaint with the court.” Fed. R. Civ. P. 3. As such, the Court grants Plaintiff **until February 4, 2025**, to submit a complaint to this Court.

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$405, which includes the \$350 filing fee and the \$55 administrative fee. See 28 U.S.C. § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*.” Nev. Loc. Special R. 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court’s approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. Special R. 1-2. *In forma pauperis* status does not relieve an inmate of his or her obligation to pay the filing fee, it just means that the inmate can pay the fee in installments. See 28 U.S.C. § 1915(b).

1 The Court will grant Plaintiff an opportunity to file a complaint and a fully complete
2 application to proceed *in forma pauperis* containing all three of the required documents,
3 or in the alternative, pay the full \$405 filing fee for this action on or before **February 4,**
4 **2025.**

5 **II. CONCLUSION**

6 For the foregoing reasons, it is ordered that Plaintiff will submit a complaint to this
7 Court on or before **February 4, 2025.**

8 It is further ordered that the Clerk of the Court will send to Plaintiff the approved
9 form for filing a 42 U.S.C. § 1983 complaint and instructions for the same.

10 It is further ordered that the Clerk of the Court will send Plaintiff the approved form
11 application to proceed *in forma pauperis* by an inmate, as well as the document entitled
12 information and instructions for filing an *in forma pauperis* application.

13 It is further ordered that on or before **February 4, 2025**, Plaintiff will either pay the
14 full \$405 filing fee or file a fully complete application to proceed *in forma pauperis* with all
15 three required documents: (1) a completed application with the inmate's two signatures
16 on page 3, (2) a completed financial certificate that is signed both by the inmate and the
17 prison or jail official, and (3) a copy of the inmate's trust fund account statement for the
18 previous six-month period.

19 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
20 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff
21 to refile the case with the Court, under a new case number, when Plaintiff can file a
22 complaint and a complete application to proceed *in forma pauperis* or pay the required
23 filing fee.

24 DATED THIS 9th day of December 2024.

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26 
27 UNITED STATES MAGISTRATE JUDGE
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